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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

ROBERT PROBERT; LORETTA E.  
PROBERT; GENE GRISSOM;  
SANDRA GRISSOM; JOHN GRIMES;  
DONNA GRIMES; KENNETH  
MCDANIELS; LEONA MCDANIELS;  
ERIC CLONINGER; DEBRA  
CLONINGER; and LORETTA REES,

Plaintiffs,

vs.

FAMILY CENTERED SERVICES of  
ALASKA, INC.; JOHN W. REGITANO;  
KATHY CANNONE; SUSZAN DALE;  
LONNIE HOVDE; DEBORAH L.  
COXON, and ADDITIONAL DOES I to  
X, Managerial Employers, Jointly Liable,

Defendants.

**Case No. 4:07-CV-000030 RRB**

**(PROPOSED) AMENDED ORDER GRANTING  
“62.1” MOTION FOR INDICATIVE RULING**

THE COURT, having considered the pleadings of the Motion for Indicative Ruling at [Doc. 140](#), and otherwise being fully advised in the premises, HEREBY

ORDERS that:

1. Had the exhibits to [Doc. 140](#), Motion for Indicative Ruling, been available at the time of the Court's consideration of the Second Motion for Partial Summary Judgment on the applicability of the FLSA to Family Centered Services of Alaska, Inc., the Court would have considered and relied upon these exhibits; especially finding that;
2. Defendant admits, in its grant application, which it must sign as a contract with the State of Alaska pursuant to AS 37.05.316, that its Therapeutic Family Homes are institutions that are primarily engaged in the care of the mentally ill or defective;
3. That the grant materials attached to [Doc. 140](#) are self-authenticating; and are found to be a true and accurate copy of records on file with the State of Alaska;
4. Further, the strength of the materials leads this Court to believe that, had they been available at the time of the motion, this Court would have been less inclined to suggest the appropriateness of an interlocutory appeal; and
5. The classifieds advertisement filed at [Doc. 146-2](#), and published in the Fairbanks Daily News-Miner on December 20, 2009, which advertised FCSA's attempt to hire employees to work with the clients of the Therapeutic

Family Homes; and suggesting that applicants have at least two years experience working with children with mental health issues, debunks any claims made by FCSA that its earlier materials (2005 Annual Report, TFH Policies and Procedures Manual, etc.) were somehow outdated.

This Court therefore informs the Ninth Circuit Court of Appeals of the foregoing; and orders, to the extent that the District Court has authority, that the materials attached to [Doc. 140](#), Motion for Indicative Ruling, be including in the record for appeal.

ORDERED this \_\_\_\_ day of \_\_\_\_\_ 2010.

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Judge Ralph Beistline

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served electronically by ECF to the following attorney(s) and/or parties of the record:

**John Foster Wallace, Colin C. Hampton,  
Richard D. Monkman**

Dated: January 19, 2010

By: s/ Kenneth L. Covell  
Law Office of Kenneth L. Covell